

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

(a) **Name of person giving notice:**

- N95643 Virgin Australia Airlines Pty Ltd (ABN 36 090 670 965)
N95644 Virgin Australia International Airlines Pty Ltd (ABN 63 125 580 823)
N95645 Pacific Blue Airlines (NZ) Limited (ARBN 107 549 851)
N95646 Pacific Blue Airlines (Aust) Pty Ltd (ABN 79 097 892 389)
N95647 Velocity Rewards Pty Ltd (ABN 98 116 089 448)
(together **Virgin Australia**); and
- N95648 Skywest Airlines (Australia) Pty Ltd (ACN 76 008 997 662) (**Skywest**).

This notification is to be read together with the submission supporting the applications in Form A and Form B (the **Submission**), which are lodged with this form.

(b) **Short description of business carried on by that person:**

The provision of domestic and international regular public transport (RPT) air services, charter services, frequent flyer programs and related services and products.

For more detail please refer to the Submission.

(c) **Address in Australia for service of documents on that person:**

Gilbert + Tobin
Level 37, 2 Park Street
SYDNEY NSW 2000

Attention:	Luke Woodward	and	Louise Klamka
	Tel: 02 9236 4014		Tel: 02 9263 4371
	Fax: 02 9263 4111		Fax: 02 9263 4111
	lwoodward@gtlaw.com.au		klamka@gtlaw.com.au

2. Notified arrangement

(a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates:**

Commercial passenger airline services, including RPT and charter services.

- (b) Description of the conduct or proposed conduct:

Virgin Australia and Skywest each propose to offer a discount on condition that corporate customers acquire a bundled offer which includes charter services from Skywest and RPT services from Virgin Australia.

See the Submission for further details.

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) **Class or classes of persons to which the conduct relates:**

Customers and potential customers of Virgin Australia and Skywest who wish to acquire an integrated package of air transport products and services, including charter air services, domestic and international regular passenger transport services and frequent flyer and lounge benefits.

- (b) **Number of those persons:**

(i) **At present time:** Unable to quantify; greater than 50.

(ii) **Estimated within the next year:** Same as above.

- (c) **Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:**

Not applicable.

4. Public benefit claims

- (a) **Arguments in support of notification:**

See the Submission.

- (b) **Facts and evidence relied upon in support of these claims:**

See the Submission.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

See the Submission.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:

See the Submission.

(b) **Facts and evidence relevant to these detriments:**

See the Submission.

7. Further information

(a) **Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:**

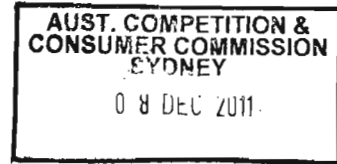
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and Louise Klamka
Tel: 02 9263 4371
Fax: 02 9263 4111
lklamka@gtlaw.com.au

Dated 7 DECEMBER 2011

Signed by/on behalf of the applicant




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(Signature)

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Luke Woodward
Gilbert + Tobin
Partner